S.B. CIVIL WRIT PETITION NO.5400/2004
Megha Sharma
vs.
Registrar, M.L.S. University, Udaipur and others.

Date : 25.1.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. R.S. Choudhary, for the petitioner.

Mr. T. Gupta) for the respondents
Mr. Sanjay Mathur)

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Heard learned counsel for the parties.

The petitioner took admission in three years degree course of Commerce. The petitioner failed in one subject in the first year examination. However, she was given admission in the second year so that she may pursue her second year course and may give examination of one paper of first year along with main examination of second year. The petitioner availed that benefit but she failed in supplementary examination for the paper of first year.

The petitioner is now seeking admission to the final year despite the fact that she has not cleared all the papers of first year.

According to learned counsel for the petitioner, the students of B.B.M. are given facility to clear the left out paper of first year along with final year examination but the same is denied to the petitioner. According to learned counsel for the petitioner, the petitioner took admission in three years degree course

and at the relevant time, the petitioner was entitled to have the benefit which was available to all the students of the respondent University and that advantage cannot be withdrawn in the case of the petitioner that too during the course which she joined in the year 2002.

According to learned counsel for the petitioner, the respondents have come out with the reply that they have amended the procedure in the year 2002 but according to learned counsel for the petitioner, the approval has not been granted by the State Government, therefore, that procedure cannot be adopted in the case of the petitioner.

The petitioner also placed on record a copy of her marks-sheet as Annex.1, copy of marks-sheet of one student of B.B.M. Course as Annex.2 and also placed the guidelines and instructions issued for the examination of the year 2004 as Annex.4.

I have considered the submissions of the learned counsel for the parties.

It is clear from the facts of the case that no such assurance, as given in case of students of B.B.M. Course, was given to the petitioner that she will be entitled to get the benefit of giving examination of any of the paper in which the petitioner failed in the first year.

Learned counsel for the respondents submitted that the student named in the marks-sheet Annex.3 was given

admission in three years degree course of B.B.M. The said student obtained an interim order in the civil suit for which the respondents have filed a writ petition before this Court, therefore, that cannot be made a precedent. It is also submitted that even from the instructions issued vide Annex.4, it is clear that the students can be given admission in the third year, only after passing of all the papers of first year and second year examinations.

In view of the above, the petitioner cannot take advantage of any admission given to the student of B.B.M. Course. The petitioner was never assured that she will have such benefit.

Consequently, this writ petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya